

REMARKS

By the above amendment, claim 31 has been canceled without prejudice or disclaimer of the subject matter thereof.

The requirement for restriction to one of the inventions identified as invention I - claims 1 - 28, 29 and 30, drawn to an information transmission system which uses non-geosynchronous artificial satellites, classified in class 370, subclass 331 and invention II - claims 12 - 28, and 31, drawn to an information transmission system which uses non-geosynchronous artificial satellites, classified in class 370, subclass 331, such restriction requirement is traversed as being improper and reconsideration and withdrawal of the restriction requirement are respectfully requested.

As is apparent, in light of the cancellation of claim 31, invention II includes only claims 12 - 28. Since invention I includes claims 1 - 28 as well as claims 29 and 30, as indicated by the Examiner, it is apparent that invention I including claims 1 - 28 encompasses invention II - claims 12 - 28. In light of this fact, applicants submit that the restriction is improper in that invention I includes invention II therein. Accordingly, applicants submit that the requirement for restriction should be withdrawn.

While the Examiner contends that inventions I and II are related as subcombinations disclosed as usable together in a single combination, it is not seen how invention II, as designated by the Examiner can be considered to have separate utility from invention I in light of the cancellation of claim 31, since claims 1 - 28 of invention I necessarily include claims 12 - 28 of invention II therein. Furthermore, while the Examiner contends that the inventions are distinct and the search required for invention I is not required for invention II, contrary to this position by the Examiner, the Examiner has identified the same class 370 and the same subclass

331 for inventions I and II, such that the search required for invention I is identical to the search required for invention II. As such, it is apparent that the inventions I and II have not required a separate status in the art, and restriction is improper. As such, the restriction requirement should be withdrawn.

In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, invention I including claims 1 - 28, 29 and 30, which represent all of the claims pending in this application.

In view of the above amendments and remarks, favorable action with respect to all of the claims pending in this application are respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 503.39296X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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